

# **EXHIBIT E**

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

Docket No. 19-cr-10080-NMG

\_\_\_\_\_X

UNITED STATES,

Plaintiff,

vs.

GAMAL ABDELAZIZ and JOHN WILSON,

Defendants.

\_\_\_\_\_X

DEPOSITION OF JAMES PHILIP WALTERS, a  
witness called on behalf of the Plaintiff, taken  
pursuant to the applicable provisions of the Federal  
Rules of Civil Procedure, before Valerie R.  
Johnston, Registered Professional Reporter and  
Notary Public in and for the Commonwealth of  
Massachusetts, at the Offices of U.S. Attorney's  
Office, at 1 Courthouse Way, Suite 9200, Boston,  
Massachusetts, on Sunday, October 3, 2021,  
commencing at 10:07 a.m.

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|---|--|
| <p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the Plaintiff:</p> <p>4</p> <p>5 U.S. Attorney's Office</p> <p>6 District off Massachusetts</p> <p>7 STEPHEN E. FRANK, ESQ.</p> <p>8 KRISTEN A KEARNEY, ESQ.</p> <p>9 LESLIE A. WRIGHT, ESQ.</p> <p>10 1 Courthouse Way, Suite 9200</p> <p>11 Boston, Massachusetts 02210</p> <p>12 617-748-3346</p> <p>13 stephen.frank@usdoj.gov</p> <p>14 kristen.kearney@usdoj.gov</p> <p>15</p> <p>16 On behalf of the Defendant, John Wilson:</p> <p>17 White &amp; Case, LLP</p> <p>18 LAUREN M. PAPENHAUSEN, ESQ.</p> <p>19 75 State, Street</p> <p>20 Boston, Massachusetts 02109-1814</p> <p>21 617-979-9312</p> <p>22 lauren.papenhausen@whitecase.com</p> <p>23 - and -</p> <p>24</p> | <p style="text-align: right;">Page 4</p> <p>1 INDEX</p> <p>2 WITNESS: DIRECT CROSS REDIRECT RECROSS</p> <p>3 James Philip Walters</p> <p>4 (by Mr. Frank) 5</p> <p>5 _____</p> <p>6 (NO EXHIBITS)</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>   |
| <p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (CONTINUED):</p> <p>2</p> <p>3 McLaughlin &amp; Stern</p> <p>4 ANDREW TOMBACK, ESQ.</p> <p>5 260 Madison Avenue</p> <p>6 New York, New York 10016</p> <p>7 212-448-1100</p> <p>8 atomback@mclaughlinstern.com</p> <p>9</p> <p>10 On behalf of the Deponent:</p> <p>11</p> <p>12 Libby, Hoopes, Brooks</p> <p>13 THOMAS M. HOOPES, ESQ.</p> <p>14 399 Boylston Street</p> <p>15 Boston, Massachusetts 02116</p> <p>16 617-338-9300</p> <p>17 thoopes@lhblaw.com</p> <p>18</p> <p>19 Also Present: Mike Kendall (Via Telephone)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>   | <p style="text-align: right;">Page 5</p> <p>1 PROCEEDINGS</p> <p>2 _____</p> <p>3 JAMES PHILIP WALTERS,</p> <p>4 having been satisfactorily identified, and duly</p> <p>5 sworn by the Notary Public, was examined and</p> <p>6 testified as follows:</p> <p>7</p> <p>8 MS. PAPENHAUSEN: Steve, before we get</p> <p>9 started, I have something I'd like to put on the</p> <p>10 record.</p> <p>11 I just want to put on the record that</p> <p>12 counsel for Mr. Wilson first contacted Mr. Walters</p> <p>13 about serving as a witness on the evening of</p> <p>14 September 29th. We understand from Mr. Walters</p> <p>15 that, prior to us contacting him for the first time,</p> <p>16 he had seen some press coverage relating to Casey</p> <p>17 Moon's testimony.</p> <p>18 MR. FRANK: All right. Thank you.</p> <p>19 DIRECT EXAMINATION</p> <p>20 BY MR. FRANK:</p> <p>21 Q. All right. Good morning, Mr. Walters.</p> <p>22 A. Good morning.</p> <p>23 Q. Thanks so much for coming in. We</p> <p>24 appreciate it.</p> |

2 (Pages 2 to 5)

Page 6

1 **A. Of course.**  
 2 Q. So I thought we'd just start a little bit  
 3 talking generally about your background.  
 4 **A. Okay.**  
 5 Q. You grew up in Southern California?  
 6 **A. Yeah, I did.**  
 7 Q. Okay. Tell us about where and where you  
 8 went to high school.  
 9 **A. I grew up in Orange County, Newport Beach.**  
 10 **I went to Mater Dei. I was home schooled prior to**  
 11 **them, and then I went to Mater Dei, and I then went**  
 12 **to USC.**  
 13 Q. So you went to Mater Dei nine through  
 14 twelve?  
 15 **A. Uh-huh. That's correct.**  
 16 Q. Okay. And did you play water polo all four  
 17 years?  
 18 **A. I did.**  
 19 Q. Okay. When did you start playing water  
 20 polo?  
 21 **A. I was six years old.**  
 22 Q. Wow.  
 23 **A. Yeah.**  
 24 Q. Okay. And tell us about your water polo

Page 8

1 **A. Yes.**  
 2 Q. Okay. Were you the only freshman on the  
 3 team?  
 4 **A. I don't recall.**  
 5 Q. Okay. And what position did you play?  
 6 **A. Then I played a driver, which is like an**  
 7 **attacker sort of thing, and then I grew into playing**  
 8 **center defender.**  
 9 Q. Okay. And so at what point did you start  
 10 playing center defender?  
 11 **A. I don't know.**  
 12 Q. Roughly.  
 13 **A. Yeah. I don't know. About junior year**  
 14 **just because it was -- I would play a little bit,**  
 15 **and they were like, oh, hey, he's actually good at**  
 16 **center defender, and then I'd just play sporadically**  
 17 **and then I started picking up more.**  
 18 Q. And did you play center defender for the  
 19 rest of your career at that point?  
 20 **A. No. It was my biggest gripe was I kept**  
 21 **switching positions every season, but primarily I**  
 22 **was a center defender in college.**  
 23 Q. Okay. And, besides the Mater Dei team, the  
 24 varsity team that you were on, were you on other

Page 7

1 experience from the time you started through high  
 2 school.  
 3 **A. My water polo experience was -- it was the**  
 4 **first real sport that I actually got into, and I**  
 5 **guess, I just fell in love with it and just, you**  
 6 **know, worked hard at it, and that's all I did, and**  
 7 **that's all I really cared about doing when I was**  
 8 **younger is -- is just getting better at water polo**  
 9 **and everything. So I just got a passion for it when**  
 10 **I was really young and kind of -- you know, it was**  
 11 **just fun for me.**  
 12 Q. And then, by the time you got to high  
 13 school, who was your high school coach?  
 14 **A. Chris Segesman.**  
 15 Q. Chris?  
 16 **A. Segesman.**  
 17 Q. Okay.  
 18 **A. Yeah He was an Olympian in Athens.**  
 19 Q. Okay. And did you -- did you play varsity  
 20 right away?  
 21 **A. I did.**  
 22 Q. So as of ninth grade?  
 23 **A. I started as a -- as a freshman.**  
 24 Q. Was that unusual?

Page 9

1 club teams --  
 2 **A. Yes.**  
 3 Q. -- in high school?  
 4 **A. Yes.**  
 5 Q. Which ones?  
 6 **A. I was on Regency, which was Mater Dei's**  
 7 **club team. It was our coach and the same players.**  
 8 Q. Okay.  
 9 **A. Yeah. And that was in -- in high school.**  
 10 Q. Okay. And what else?  
 11 **A. Prior to them or after?**  
 12 Q. During high school.  
 13 **A. Oh, just Regency.**  
 14 Q. Okay.  
 15 **A. Yeah.**  
 16 Q. And what -- tell us about awards you won in  
 17 high school.  
 18 **A. Most valuable defender. I think --**  
 19 Q. That's a high school award?  
 20 **A. It was within Mater Dei's awards. Within**  
 21 **Mater Dei, I got most valuable player, most valuable**  
 22 **defender, maybe, one or two other ones.**  
 23 **As far as, like, you know, recognized**  
 24 **through the league, I think second team and first**

3 (Pages 6 to 9)

|  |  |
|--|--|
| <p style="text-align: right;">Page 10</p> <p>1 time All American. I'm not -- I don't remember</p> <p>2 totally.</p> <p>3 Q. Okay. And the league was which league?</p> <p>4 A. We were in the -- it wasn't Trinity. I</p> <p>5 think it was Trinity league, and then we were in --</p> <p>6 I was referencing the CIF section, actually.</p> <p>7 Q. Okay. Tell us about CIF.</p> <p>8 A. CIF is just the -- that's the final</p> <p>9 tournament in high school. So we don't go to state</p> <p>10 with high school. We don't go to, like, the</p> <p>11 national championship. We do that through club. So</p> <p>12 with our high school, the best you can get is CIF --</p> <p>13 CIF rank.</p> <p>14 Q. And what did you -- what did you do on</p> <p>15 CIF?</p> <p>16 A. I won three CIFs with Mater Dei.</p> <p>17 Q. Okay. You won the top award?</p> <p>18 A. Oh, personally?</p> <p>19 Q. Well, the team. The team won the top</p> <p>20 award?</p> <p>21 A. Yeah. We have three rings.</p> <p>22 Q. Okay.</p> <p>23 A. Mater Dei does, yeah.</p> <p>24 Q. Okay. And what about you personally?</p>   | <p style="text-align: right;">Page 12</p> <p>1 A. Yeah.</p> <p>2 Q. Okay. And you were captain of the team?</p> <p>3 A. Yes. Three years.</p> <p>4 Q. Three-year captain?</p> <p>5 A. Uh-huh.</p> <p>6 Q. So, as a sophomore, you were captain?</p> <p>7 A. Uh-huh.</p> <p>8 Q. Wow. That's got to be highly unusual also.</p> <p>9 A. Uh-huh. Yeah. Sophomore -- it was the end</p> <p>10 of my sophomore year I was elected; so, essentially,</p> <p>11 two and a half years.</p> <p>12 Q. Okay. And is that -- do you know if</p> <p>13 sophomores had been captain before that point?</p> <p>14 A. Yeah. In high school, it's -- it's -- it's</p> <p>15 heard of, yeah.</p> <p>16 Q. Okay. But unusual?</p> <p>17 A. Unusual.</p> <p>18 Q. Okay. And you were elected by?</p> <p>19 A. The team.</p> <p>20 Q. The team. And I assume you were a starter</p> <p>21 all four years?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And then anything, other than that,</p> <p>24 outside of high school that was noteworthy in terms</p> |
| <p style="text-align: right;">Page 11</p> <p>1 A. Personally I had, like, some, you know,</p> <p>2 first -- I think I had first -- first team my senior</p> <p>3 year, and then I think it was second team the other</p> <p>4 years.</p> <p>5 Q. And what does that mean?</p> <p>6 A. Just the coaches get together through the</p> <p>7 league, and they just vote on who they would use as</p> <p>8 their starting line-up.</p> <p>9 Q. Got it. Okay.</p> <p>10 And did you do Junior Olympics?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 A. Yes. We won that a few times.</p> <p>14 Q. You won that a few times?</p> <p>15 A. Yeah. We won that a few times. Regency</p> <p>16 won that. We won -- with our 16-year-old -- yeah.</p> <p>17 We took, like, basically, a team of sophomores and</p> <p>18 won the 18-year-olds, the 18-year-old division.</p> <p>19 Q. Wow. Okay. Any other major tournaments</p> <p>20 or -- I don't know. Are they called tournaments?</p> <p>21 A. Well, we had a -- you know, we had 105 game</p> <p>22 winning streak; so we won a lot of things. I may</p> <p>23 not recall every one.</p> <p>24 Q. Mater Dei did?</p> | <p style="text-align: right;">Page 13</p> <p>1 of water polo?</p> <p>2 MS. PAPENHAUSEN: Objection.</p> <p>3 MR. FRANK: I'm not sure you have standing</p> <p>4 to object.</p> <p>5 MS. PAPENHAUSEN: I believe I do under the</p> <p>6 rules.</p> <p>7 MR. HOOPES: I think she's the only one.</p> <p>8 She's a party. You're a party. I'm just counsel</p> <p>9 for the witness.</p> <p>10 MR. FRANK: I would dispute the standing to</p> <p>11 object, but it doesn't really matter.</p> <p>12 BY MR. FRANK:</p> <p>13 Q. Go on.</p> <p>14 A. Where were we? Sorry.</p> <p>15 Q. Outside of high school, did you do any</p> <p>16 notable tournaments?</p> <p>17 A. Junior Olympics. Not that's coming mind.</p> <p>18 Q. Okay. At some point, you started the</p> <p>19 college recruitment process?</p> <p>20 A. Yeah.</p> <p>21 Q. Tell us about that.</p> <p>22 A. I wanted to go to USC my whole life.</p> <p>23 Q. Why?</p> <p>24 A. So that was easy. I -- I love USC.</p>   |

Page 14

1 It's -- I grew up in an area where you see USC flags  
2 everywhere. Everybody seems to be -- like, everyone  
3 who is in real estate seems to be in USC, and so  
4 it's just -- I don't know. It's just always where I  
5 wanted to go.

6 Q. And what about water polo at USC; was that  
7 important to you?

8 A. Yeah. I mean, they were always the best.  
9 You know, when I got there, they had, like, I think,  
10 five in a row NCAA championships, and -- and they  
11 had the sixth the year before I got there.

12 Q. Okay.

13 A. So they were the best. I mean, I love  
14 water polo. I loved USC. It was a perfect fit for  
15 me.

16 Q. When did you -- what year -- so your senior  
17 year was what year in high school?

18 A. Oh, in high school. I graduated in 2014.

19 Q. Okay.

20 A. And that was when USC had -- the 2013  
21 season, that's when USC had won.

22 Q. So you started at USC in the fall of  
23 2014?

24 A. That's correct.

Page 15

1 Q. Okay. And when did you start the  
2 recruitment process?

3 A. Well, there wasn't much of a recruitment  
4 process. I called Jovan, probably, way before most  
5 people would and I just --

6 Q. When was that?

7 A. Probably, the end of my sophomore year I  
8 called him --

9 Q. Right.

10 A. -- and said I wanted to go USC.

11 Q. You just called him up?

12 A. Yeah.

13 Q. Did you know him before that?

14 A. I mean, everyone knows who Jovan is. But  
15 did I personally know him; no.

16 Q. So you just -- you just picked up the phone  
17 and called him?

18 A. Yeah. And my brother was -- had already  
19 committed the year prior.

20 Q. As a junior?

21 A. He was either a junior or a senior. I  
22 don't remember.

23 Q. Okay.

24 A. Yeah.

Page 16

1 Q. So you had a connection to Jovan at that  
2 point?

3 A. Not really.

4 Q. But he knew who you were?

5 A. He knew who I was --

6 Q. Okay.

7 A. -- because of my brother.

8 Q. Right. And so you called him as a  
9 sophomore. And what -- tell us about.

10 A. I just said, "Jovan, I want -- I want to be  
11 a Trojan," and there was -- I think it was around  
12 Christmastime, and he's, like, "Wow, you made my  
13 Christmas," is what he said, and I was, like, "Okay.  
14 Great."

15 And so we didn't start any of, like, the  
16 paperwork or any of that stuff for a little while,  
17 but it was -- that was all it was.

18 Q. Did he -- was he familiar with your playing  
19 by that point?

20 A. Yeah. Yeah. I mean, he'd been to my games  
21 and stuff.

22 Q. How had he -- so how was he -- tell us  
23 about that. How was he familiar with your  
24 playing?

Page 17

1 A. Well, he would have just been to my games.  
2 I would -- I mean, I don't know how many or how well  
3 he knew me, but he was at my games, I'm sure.

4 Q. You how do you know that he was at your  
5 games; did you see him there?

6 A. I've seen him -- I'd seen him there,  
7 yeah --

8 Q. Okay.

9 A. -- a couple of times.

10 Q. And there are Mater Dei games --

11 A. These are Mater Dei.

12 Q. -- or these are club?

13 A. These are Mater Dei and club because all  
14 the coaches go to all of these events so they can  
15 see, you know, who they'd want to recruit.

16 Q. Okay. So you had seen him at -- he had  
17 seen you play multiple times?

18 A. Yeah. I'd seen most of the college coaches  
19 at those games.

20 Q. Okay. And had you ever spoken to him at  
21 those games?

22 A. No. Nothing more than hi --

23 Q. Okay.

24 A. -- or waving or, you know, shaking hands

5 (Pages 14 to 17)

Page 18

1 **and just moving on.**  
 2 Q. Did you apply to any other schools besides  
 3 USC?  
 4 **A. Nuh-nuh.**  
 5 Q. No?  
 6 **A. No, I did not.**  
 7 Q. So you were really committed to USC as  
 8 sophomore basically?  
 9 **A. That's all I wanted was USC.**  
 10 Q. Okay.  
 11 **A. Yeah.**  
 12 Q. And, other than him coming to all those  
 13 games, did he -- was there any other sort of formal  
 14 process that was involved? Did you do, like, an  
 15 official visit?  
 16 **A. I did do my official visit once I was**  
 17 **eligible to do so. You have to be a certain age.**  
 18 **I -- I don't remember what that is, but I think it's**  
 19 **like, in your senior year, you can do an official**  
 20 **visit, and I did that then.**  
 21 Q. Okay.  
 22 **A. Uh-huh.**  
 23 Q. And what did that involve?  
 24 **A. I just met the guys. I mean, I was**

Page 19

1 **already -- I already knew the guys because my**  
 2 **brother was on the team, and so, you know, I just**  
 3 **met up with them and hung out.**  
 4 Q. The guys being the other members of the  
 5 team or --  
 6 **A. Yeah. The team members, yeah.**  
 7 Q. Okay. And what about the coaches?  
 8 **A. I had met them, yeah.**  
 9 Q. So when did you -- so when did you -- you  
 10 knew Vavich?  
 11 **A. Uh-huh.**  
 12 Q. What about the other coaches; when did  
 13 you -- did meet them on the official visit for the  
 14 first time or did you know them from your brother's  
 15 experience?  
 16 **A. Oh, no. I -- I met them, like, formally**  
 17 **then. I may have met them prior, but I don't really**  
 18 **recall.**  
 19 Q. Okay. But by that point, you knew all the  
 20 members of the team because your brother had been on  
 21 it?  
 22 **A. Yeah. I mean, I -- yeah. I knew -- I**  
 23 **wasn't close friends with them or anything, but I --**  
 24 **I knew of them; they knew of me because I was the**

Page 20

1 **brother.**  
 2 Q. Okay. And you didn't have to send in video  
 3 or anything like that because he'd seen you in  
 4 person?  
 5 **A. Yeah. Yeah.**  
 6 Q. Okay. Did you send in a video?  
 7 **A. I did not send in a video.**  
 8 Q. Okay. What about a resume or a profile or  
 9 anything like that?  
 10 **A. Yes, I believe so.**  
 11 Q. Okay.  
 12 **A. Well, let me think. I think that I sent**  
 13 **in -- no, I did not send a resume into him. I think**  
 14 **he had just -- no. I -- I must have sent in a**  
 15 **resume. I don't recall though.**  
 16 Q. Okay. Do you recall preparing a resume?  
 17 **A. No, I don't recall preparing one.**  
 18 Q. Okay. But you think you must have  
 19 because --  
 20 **A. Yeah. I think it was part of the**  
 21 **application process when I was going through USC's**  
 22 **admissions process, but I don't recall creating**  
 23 **that. It was a long time ago.**  
 24 Q. Okay. Do you recall when you found out

Page 21

1 officially that you'd been approved for admission?  
 2 **A. No, I don't recall that.**  
 3 Q. Okay. But it was sometime in your senior  
 4 year?  
 5 **A. Yes. Yes. It would be senior year, yeah.**  
 6 Q. Okay. All right. And then you -- you  
 7 started in your -- you started in the fall of  
 8 2014?  
 9 **A. Yes.**  
 10 Q. Okay. And so tell us about -- you played  
 11 all four years?  
 12 **A. Yes.**  
 13 Q. Okay. I think you had -- my understanding  
 14 is you had an incredible freshman year --  
 15 **A. Uh-huh.**  
 16 Q. -- with a lot of goals.  
 17 **A. Right. I did well. I did well in my**  
 18 **freshman year, yeah.**  
 19 Q. Like, 34 goals?  
 20 **A. Yeah. Oh, you did your research on that.**  
 21 **Yeah.**  
 22 Q. So tell us about that. Tell us -- tell  
 23 about your -- sort of your experience year by year  
 24 what you remember.

6 (Pages 18 to 21)

Page 22

1 MS. PAPENHAUSEN: Objection. Ambiguous.  
 2 Q. You can answer.  
 3 **A. So freshman year was -- it was difficult**  
 4 **adjusting to a new system of play. Just from team**  
 5 **to team is different, you know, coaching styles sort**  
 6 **of thing.**  
 7 **It was hard. It was a lot of hours of --**  
 8 **of water polo, a lot of studying, like, out of**  
 9 **practice and trying to learn our plays and it, you**  
 10 **know, wasn't -- it wasn't easy, but it was a lot of**  
 11 **fun. You know, it was -- it was a great experience.**  
 12 Q. It was a lot more rigorous than high  
 13 school?  
 14 **A. Oh, yeah.**  
 15 Q. In what ways?  
 16 **A. Harder training, harder competition, and a**  
 17 **lot more studying just to keep up and -- and know**  
 18 **your plays and -- and, you know, be a good addition**  
 19 **to the team.**  
 20 Q. How many hours a week do you recall  
 21 actually being either at practice or in team  
 22 meetings or games?  
 23 **A. It was typically between 16 and 20 hours.**  
 24 Q. Okay.

Page 23

1 **A. Yeah.**  
 2 Q. Do you recall it ever going over 20  
 3 hours?  
 4 **A. No.**  
 5 Q. Okay. And that included studying plays?  
 6 **A. Well, no. Studying -- studying outside of**  
 7 **it, I mean, I'd --**  
 8 Q. That you do on your own?  
 9 **A. Yeah. I do on my own. Like, I'd be laying**  
 10 **in bed looking at plays and watching video and**  
 11 **things like that.**  
 12 Q. Okay. And so -- but you -- you know that  
 13 the NCAA has a cap on --  
 14 **A. Yeah.**  
 15 Q. -- hours?  
 16 **A. Yeah. When the -- like, mandatory hours,**  
 17 **yeah.**  
 18 Q. Okay.  
 19 **A. So, if it's mandatory to be there, there's**  
 20 **a cap on it, yeah.**  
 21 Q. And you don't recall ever -- you know,  
 22 Yovan exceeding that cap?  
 23 **A. No, I don't think so.**  
 24 Q. Okay. And how many -- do you recall how

Page 24

1 many players were on the team your freshman year?  
 2 **A. No, I don't recall.**  
 3 Q. Okay. Do you recall how many red shirts  
 4 there were?  
 5 **A. There was a lot. There was somewhere --**  
 6 **more than -- more than ten I want to say, but I**  
 7 **don't know specifically.**  
 8 Q. Okay. And did you -- you were not a red  
 9 shirt, obviously?  
 10 **A. I never red-shirted.**  
 11 Q. Okay.  
 12 **A. I just played four years straight through.**  
 13 Q. Okay. Did you play in matches -- or  
 14 sorry -- games as of right away?  
 15 **A. Yeah. Yes, I did. I -- I was starting**  
 16 **about half the games. Most of -- I would say I was**  
 17 **starting most of the games my freshman year.**  
 18 Q. Okay. Did you actually play in every  
 19 game?  
 20 **A. Yes.**  
 21 Q. Okay. And what about sophomore, junior,  
 22 and senior years?  
 23 **A. Yes. I was captain my sophomore, junior,**  
 24 **and senior years, and I started.**

Page 25

1 Q. Okay. And you started in every game?  
 2 **A. There was probably a couple games I didn't,**  
 3 **but mostly, yes.**  
 4 Q. Do you believe that you played in every  
 5 single game throughout your four years?  
 6 **A. If you omit any injuries, I may have had,**  
 7 **then, yes.**  
 8 Q. So other than sitting out for an injury?  
 9 **A. Yeah. I mean, I had two hip surgeries,**  
 10 **too; so I -- I had some time where I -- I didn't**  
 11 **play any club games that year. I didn't -- you**  
 12 **know...**  
 13 Q. When was that?  
 14 **A. January of 2015. January and February. It**  
 15 **was bilateral hip surgery.**  
 16 Q. Okay. And how long do you recall being  
 17 out?  
 18 **A. Until September of that year.**  
 19 Q. Oh, wow. But so January until September,  
 20 that's out of season at that point?  
 21 **A. Correct.**  
 22 Q. So you wouldn't have had games during that  
 23 period?  
 24 **A. There's -- there's scrimmages and there's,**

7 (Pages 22 to 25)



Page 26

1 like, some -- there's one off-season tournament --

2 Q. Okay.

3 A. -- from club.

4 Q. But in terms of seasonal tournaments or  
5 seasonal games, you didn't miss any of those that  
6 you recall?

7 A. I'm sure I missed one or two of them for  
8 various reasons.

9 Q. Okay. But, basically, you remember playing  
10 in every single game and starting in most games?

11 A. That's correct.

12 Q. Okay. Okay. And -- and then, when you  
13 became captain, that was an elected position or was  
14 that --

15 A. Yeah. The -- the team votes; so the team  
16 voted me captain. That was after season of my  
17 freshman season; so I think it was -- we had a  
18 post-meeting sometime in December or January. It  
19 might have been when we got back from break in  
20 January and the team votes.

21 Q. Okay.

22 A. Yeah.

23 Q. Would you say -- it sounds like you had an  
24 immediate impact on the team as a freshman year.

Page 28

1 A. McQuin Baron. And then I had -- let's see

2 here. There was Murphy Slater, Bryce Hoerman, Grant  
3 Stein, Brock Hudnut, Matteo Morelli. I think that  
4 covers my dorm room.

5 And then the next dorm room was Tristan  
6 Reinhardt, Johnny Wilson, Andrew Mericle, Jake  
7 Ctvrtlik, Zac Traversi. I know I'm missing a  
8 couple. Tim Leong. That's my recollection when I'm  
9 put on the spot.

10 Q. Okay. And how close -- the dorm rooms were  
11 adjoining?

12 A. No. They are on separate floors.

13 Q. Okay.

14 A. And the way it was broken up was  
15 predominantly it was more like the guys that were  
16 traveling, the traveling roster.

17 Q. Which was your room?

18 A. Which was mine. And so there's four  
19 bedrooms and a common area, two people per bedroom.  
20 So most of us in mine were traveling, and then --

21 Oh, I forgot the foreigner. So I had  
22 Mihajlo Milicevic and Lazar Pasuljevich. A lot of  
23 itches, yeah. Okay. So I just had to add those  
24 two.

Page 27

1 A. I'd like to think so.

2 Q. Okay. And what do you recall about the --  
3 you said you think there were at least ten red  
4 shirts in the first season.

5 A. We had a lot of freshman because the year  
6 prior a ton of guys graduated, and so the poor  
7 coaching staff, you know, they had to recruit a ton  
8 of new players, and so, yeah. There was a lot of --  
9 a lot of us freshman.

10 Q. And do you recall who all the freshman  
11 were?

12 A. Mostly, yeah.

13 Q. Okay. Can you tell us?

14 A. Everyone by name?

15 Q. Yeah.

16 A. You put me or not spot like that.

17 Q. That's my job.

18 A. All right. Okay. So I'll do it -- I'll do  
19 it --

20 Q. I won't ask you to do it alphabetically.

21 A. Okay. Let me do it like this because I  
22 know about -- it's easier to do it -- okay. So  
23 there was myself, McQuin Baron.

24 Q. That doesn't count. That's cheating.

Page 29

1 But yeah. We were in 208. The -- the red  
2 shirts and the guys that were not traveling per  
3 se -- I say "traveling" meaning like they weren't  
4 suiting up for games, but they did travel and, you  
5 know, assist with things, but they were in 307, I  
6 believe.

7 Q. Okay. How often would you be with them?

8 A. A lot. Yeah. We were eating breakfast  
9 together, dinner. Yeah. We were -- we were always  
10 around each other for different events and things  
11 like that.

12 Q. Okay. And that was just freshman year?

13 A. No. It -- every year we'd -- we'd always  
14 have team dinners and breakfasts and things like  
15 that. I mean, a lot of times it wasn't even formal.  
16 It's just like, you know, you had the same class  
17 time and you knew that some guys would be down there  
18 at the same time.

19 Q. What do you remember about when you first  
20 met Johnny?

21 A. Nice guy.

22 Q. I'm actually asking different question.  
23 When did you first meet Johnny?

24 A. The first day of practice when he was

8 (Pages 26 to 29)

|   |  |
|---|--|
| <p style="text-align: right;">Page 30</p> <p>1 allowed to show up.</p> <p>2 Q. Okay.</p> <p>3 A. I was within 50 miles of the university. I</p> <p>4 lived within 50 miles; so I was allowed to start</p> <p>5 training prior to the -- the people that came from</p> <p>6 further away.</p> <p>7 Q. When you start training?</p> <p>8 A. It must have been June of 2014 --</p> <p>9 Q. Okay.</p> <p>10 A. -- so after I graduated high school.</p> <p>11 Q. Okay. And that's because you lived within</p> <p>12 50 miles?</p> <p>13 A. Yeah. I was about 47 miles, something like</p> <p>14 that.</p> <p>15 Q. Okay. And then --</p> <p>16 A. I'm lucky.</p> <p>17 Q. And then when do you recall Johnny</p> <p>18 starting?</p> <p>19 A. Whatever the first day was. I think it may</p> <p>20 have been in August.</p> <p>21 Q. Okay.</p> <p>22 A. Yeah.</p> <p>23 Q. And so what do you recall about him from</p> <p>24 that initial meeting?</p>  | <p style="text-align: right;">Page 32</p> <p>1 out for a while.</p> <p>2 Q. So you recall him being at the first</p> <p>3 practice?</p> <p>4 A. Yeah. In that week, yeah.</p> <p>5 Q. You recall him being there that whole</p> <p>6 week?</p> <p>7 A. I do.</p> <p>8 Q. Okay.</p> <p>9 A. I mean, if he missed one or two days for</p> <p>10 whatever reason, maybe, if there was a class or</p> <p>11 something like that I don't specifically know, but</p> <p>12 he was there, yes, after the first day.</p> <p>13 Q. Okay. And how do you have a memory of</p> <p>14 that?</p> <p>15 A. It was just like any other memory.</p> <p>16 Q. Okay. But you have a specific memory of</p> <p>17 him being there that first week?</p> <p>18 A. Yes. He was there.</p> <p>19 Q. Did you -- were you in the pool with him?</p> <p>20 A. Yes. I was in the pool, and he was -- he</p> <p>21 was -- we were typically on just -- you know,</p> <p>22 because the -- the varsity guys, so to speak, would</p> <p>23 be on one side and then -- but, yeah, he was there.</p> <p>24 Q. So you were on one side and the red shirts</p>   |
| <p style="text-align: right;">Page 31</p> <p>1 A. Well, I mean, there was a lot going on with</p> <p>2 those practices. I mean, it -- it was sort of like</p> <p>3 we all -- we all met and everyone introduced</p> <p>4 themselves, you know, before we went to the locker</p> <p>5 room and changed, but I -- I can't tell you</p> <p>6 specifically, like, you know, different things, what</p> <p>7 they were wearing, whatever.</p> <p>8 I mean, I -- I remember meeting Johnny.</p> <p>9 That was you know, obvious. I met everyone there.</p> <p>10 That practice was notoriously hectic because we've</p> <p>11 got all these new freshman, and Jovan is -- you may</p> <p>12 have heard, he -- he likes to yell, and so he -- he</p> <p>13 was on our case the whole practice; so it's very</p> <p>14 tense, you know...</p> <p>15 Q. Okay. And then what do you recall about</p> <p>16 him after that time in terms of attending</p> <p>17 practice?</p> <p>18 A. He was there. Yeah. I mean, he was there.</p> <p>19 Q. Every practice?</p> <p>20 A. No one's there every practice.</p> <p>21 Q. Okay. What do you recall about Johnny</p> <p>22 specifically?</p> <p>23 A. Well, so he was at practice. I know that</p> <p>24 he had the -- the concussion, and then he had to be</p> | <p style="text-align: right;">Page 33</p> <p>1 were on the other side?</p> <p>2 A. But we were all in the same pool. We did</p> <p>3 the same swim sets, the same warm-ups, but yeah. So</p> <p>4 I'm telling you I do recall him being there.</p> <p>5 Q. Okay.</p> <p>6 A. As far as -- like, probably, he was not one</p> <p>7 of my passing partners then, but you know, he could</p> <p>8 have been, but again, that's like seven years ago.</p> <p>9 Q. All right. So it sounds like it's sort of</p> <p>10 a vague memory of him being there?</p> <p>11 MR TOMBACK: Objection.</p> <p>12 MS. PAPENHAUSEN: Objection.</p> <p>13 Mischaracterizes.</p> <p>14 A. I didn't say it was vague. It's not there.</p> <p>15 MR TOMBACK: It's a specific recollection</p> <p>16 as far as I can tell.</p> <p>17 Q. Okay. Tell me specifically what you can</p> <p>18 recall other than him being there.</p> <p>19 A. Yeah. Are you looking for -- for what he</p> <p>20 was wearing or --</p> <p>21 Q. No. Just -- just you have a specific</p> <p>22 memory of Johnny being there that week, right?</p> <p>23 MS. PAPENHAUSEN: Objection.</p> <p>24 MR TOMBACK: Objection.</p> |

Page 34

1 MS. PAPENHAUSEN: Asked and answered.  
 2 BY MR. FRANK:  
 3 Q. You can ignore the objections.  
 4 Do you have a specific memory of him being  
 5 there that week?  
 6 **A. Yes. He was there.**  
 7 Q. But you don't remember how many days?  
 8 **A. No.**  
 9 MS. PAPENHAUSEN: Objection. Asked and  
 10 answered.  
 11 **A. I don't take attendance. I mean, I --**  
 12 Q. No. I'm just asking your memory.  
 13 **A. Yeah.**  
 14 Q. No. I get it.  
 15 **A. I do remember him being there.**  
 16 Q. You don't remember which days?  
 17 **A. I don't know if -- if he -- I'm saying, if**  
 18 **he missed a day -- and I don't want to say that he**  
 19 **was there every day if he missed one day --**  
 20 Q. Right.  
 21 **A. -- because all of us had, you know, weird**  
 22 **stuff going on with -- with our classes, and you**  
 23 **know, it was just kind of hectic the first week.**  
 24 Q. And you don't remember sparring with him,

Page 35

1 like --  
 2 **A. Oh, passing.**  
 3 Q. Passing. Sorry. Wrong term.  
 4 **A. No. I'm saying I probably did. It's just,**  
 5 **you know...**  
 6 Q. Do you have a specific memory of it?  
 7 **A. I -- I have passed with him before,**  
 8 **certainly.**  
 9 Q. Okay. Do you remember passing with him  
 10 that first week?  
 11 **A. Yes, I did.**  
 12 Q. Okay. And was it once or more than once?  
 13 **A. I couldn't tell you.**  
 14 Q. Okay. And then what do you remember after  
 15 that first week?  
 16 **A. As far as?**  
 17 MS. PAPENHAUSEN: Objection. Ambiguous.  
 18 Q. As far as Johnny being at practice?  
 19 **A. He was there.**  
 20 Q. Okay.  
 21 **A. Like, I don't know.**  
 22 Q. Do you remember him being there all the  
 23 time? Do you remember him being there some of the  
 24 time? What do you remember?

Page 36

1 **A. I remember him being there, yeah. He**  
 2 **was -- he was there. You know, after his**  
 3 **concussion, he was -- he was out for a little while**  
 4 **just to recover but he was -- you know, he came**  
 5 **back. He was there and he was --**  
 6 Q. What do you remember about when he had a  
 7 concussion?  
 8 **A. I don't -- I -- I never saw him get the**  
 9 **concussion, but I do remember him leaving the pool**  
 10 **deck and -- it's a vague memory, but he did leave**  
 11 **the pool deck because my roommate at the time,**  
 12 **McQuin, drove him to the hospital and I...**  
 13 Q. So you remember the concussion happening at  
 14 practice?  
 15 **A. I didn't say that, no.**  
 16 Q. Oh. I'm sorry. I misunderstood.  
 17 **A. I don't -- I don't know when he got his**  
 18 **concussion, but I know that he had got one and he**  
 19 **left from the pool deck to go to the hospital.**  
 20 Q. So help me understand that. So you don't  
 21 know if he had the concussion in the pool or at  
 22 the -- at practice?  
 23 **A. Correct. I don't know where he -- the**  
 24 **concussion came from or how it happened.**

Page 37

1 Q. What do you recall about him leaving to go  
 2 to the hospital from --  
 3 **A. He --**  
 4 Q. -- from practice?  
 5 **A. He looked like he was in bad shape and I --**  
 6 **when I say that, I mean, he was -- so I've been**  
 7 **concussed before and I saw it in him where he was,**  
 8 **you know, kind of out of it, sort of woozy kind of**  
 9 **thing, and he looked really out of shape.**  
 10 **When -- when he got in the car with my**  
 11 **roommate, his -- his concussion had been so bad that**  
 12 **he was actually vomiting.**  
 13 Q. Who was vomiting?  
 14 **A. Johnny was vomiting.**  
 15 Q. How do you know that?  
 16 **A. Because I had to clean the vomit up when he**  
 17 **got back from the hospital.**  
 18 Q. Okay. And this was at what practice?  
 19 **A. I mean, it was water polo practice. I**  
 20 **don't know when.**  
 21 Q. But do you remember when?  
 22 **A. I don't remember the dates.**  
 23 Q. Okay.  
 24 **A. No, I don't.**

10 (Pages 34 to 37)

Page 38

1 Q. So you're not sure if the concussion  
 2 happened at practice; you just --  
 3 **A. But the symptoms of it, they came up, yeah.**  
 4 Q. Understood.  
 5 **A. Yeah, at the practice.**  
 6 Q. And did he -- was he admitted to the  
 7 hospital?  
 8 **A. I don't know.**  
 9 MS. PAPENHAUSEN: Objection.  
 10 **A. I don't know.**  
 11 Q. Okay. What do you remember about him being  
 12 removed from the -- from the pool deck?  
 13 **A. I mean, he walked out with sunglasses and**  
 14 **a -- and a hoody on because it was really bright,**  
 15 **and so he put some -- I mean, you're -- you get**  
 16 **really sensitive to the light. But he put some**  
 17 **sunglasses on and a hoody, and he -- and he walked**  
 18 **out.**  
 19 Q. Did he have the sunglasses with him?  
 20 **A. I don't know whose they were.**  
 21 Q. Okay. And what were the coaches doing?  
 22 **A. I don't recall.**  
 23 Q. Do you remember which coaches were there?  
 24 **A. I don't recall.**

Page 39

1 Q. Do you remember if the coaches were  
 2 attending to him?  
 3 **A. It -- it was the -- the trainer and -- I**  
 4 **mean, when there's an injury, the coaches know that**  
 5 **they are no doctors. They just kind of let the**  
 6 **athletic trainer deal with that.**  
 7 Q. Okay. So you don't remember the coaches  
 8 attending to him at all?  
 9 **A. That's not to say they didn't. I just**  
 10 **don't have a specific recollection of it.**  
 11 Q. Okay. And what do you remember about when  
 12 he came back?  
 13 **A. Our concussion protocol was to not go**  
 14 **immediately into contact; so he was just doing,**  
 15 **like, light swim sets.**  
 16 Q. Are you saying that based on the protocol  
 17 or are you saying that based on your memory?  
 18 **A. No. This is -- this is on my memory.**  
 19 **Yeah.**  
 20 Q. Okay. When do you remember him -- how long  
 21 do you remember him being out?  
 22 **A. It was at least a month, I think. Yeah.**  
 23 **It was about three weeks to a month before he could**  
 24 **get back in the pool.**

Page 40

1 Q. Okay.  
 2 **A. Yeah.**  
 3 Q. Okay. And what do you remember during that  
 4 time, that three weeks to a month, about your  
 5 interactions with Johnny?  
 6 **A. I'd see him -- I'd see him at practices. I**  
 7 **mean, he wasn't -- he didn't -- he would come back**  
 8 **to -- he would watch practices -- not -- I mean, it**  
 9 **was sort on -- from what he said, sometimes it**  
 10 **was -- the concussion was, like, too painful to be**  
 11 **around loud noises and --**  
 12 Q. He told you that?  
 13 **A. Yeah. And -- and I know that that's --**  
 14 **that is the case for concussions. I mean, whistles**  
 15 **and things like that get really loud and they ring**  
 16 **in your head, and so he -- he missed some, and some**  
 17 **days he was there to watch.**  
 18 Q. What did he do?  
 19 **A. He'd just watch. During that time, he**  
 20 **watched. Sometimes -- we weren't -- I think, at**  
 21 **that part of season towards the -- we weren't**  
 22 **really -- I think he was videotaping a little bit of**  
 23 **that stuff, like, for us, I mean, because we -- we**  
 24 **record our practices.**

Page 41

1 Q. You record every practice?  
 2 **A. No. No, no, no. We record when we work on**  
 3 **plays or, like, different defenses, things like**  
 4 **that.**  
 5 Q. Okay. And you do that throughout the  
 6 season?  
 7 **A. Uh-huh. Yeah.**  
 8 Q. Okay. And what do you do with those  
 9 recordings?  
 10 **A. We just study them, watch them. They're --**  
 11 **they're put on a -- like, a website database, and we**  
 12 **can access them any time we want.**  
 13 Q. Okay.  
 14 **A. And it's used in meetings and things like**  
 15 **that.**  
 16 Q. Okay. And so you review them to talk about  
 17 what you're doing well, what you're not doing  
 18 well?  
 19 **A. Correct.**  
 20 Q. Okay. And that happens throughout the  
 21 season?  
 22 **A. Throughout the season.**  
 23 Q. And I'm sorry. Did you say every practice  
 24 is recorded or just some practices?

11 (Pages 38 to 41)

Page 42

1 **A. Sometimes. It's sporadic.**  
 2 Q. How often?  
 3 **A. It's sporadic, and it depends on what we're**  
 4 **working on.**  
 5 Q. Okay. All right. And so you recall him  
 6 actually manning the camera?  
 7 **A. Yes.**  
 8 Q. And what else did he do when he was  
 9 concussed at practice?  
 10 **A. Prior to being cleared to get back in the**  
 11 **pool?**  
 12 Q. Exactly.  
 13 **A. Prior to, he just -- he just watched.**  
 14 **That's all he could do was watch.**  
 15 Q. Okay. Did he help set up lanes? Did he do  
 16 anything like that --  
 17 **A. Yes.**  
 18 Q. -- that you recall?  
 19 **A. Yes.**  
 20 Q. What did he do?  
 21 **A. He would help with putting balls away,**  
 22 **covers, lane lines, that kind of stuff.**  
 23 Q. Okay. And how did he know what he was  
 24 supposed to do?

Page 43

1 **A. I don't understand.**  
 2 Q. In other words, was somebody telling him  
 3 what to do or he would just pitch in?  
 4 **A. The coaches say, "Clean up," and they'd go**  
 5 **up to their office, and then all of us guys make it**  
 6 **happen.**  
 7 Q. Okay. Are there any particular coaches who  
 8 were in the charge of that or --  
 9 **A. No. It's just practice over, clean-up, and**  
 10 **we do that as quickly as we can so we can get**  
 11 **dinner.**  
 12 Q. Okay. How often did you see Johnny during  
 13 that three weeks to a month that he was out?  
 14 **A. For sure, a couple -- three times a week.**  
 15 Q. Okay. All right. And then -- and then you  
 16 recall, after about three weeks or a month, he was  
 17 back at practice?  
 18 **A. That's correct.**  
 19 Q. So I'm sorry. When did you say you  
 20 remember him having the concussion; how -- how far  
 21 into the season?  
 22 **A. Very early on.**  
 23 Q. Okay. So a week, two weeks, three weeks?  
 24 **A. My recollection is it's in the first week**

Page 44

1 **or two. I don't know. It was -- it was pretty**  
 2 **soon.**  
 3 Q. Okay. So he wasn't at too many practices  
 4 before the concussion?  
 5 **A. That's correct.**  
 6 Q. Okay. How many would you say?  
 7 **A. About a week to two weeks worth of**  
 8 **practices.**  
 9 Q. Okay. And then -- and then you recall him  
 10 being out for three weeks to a month?  
 11 **A. Out of the pool, but he would still come**  
 12 **to -- to the pool.**  
 13 Q. I understand. I'm sorry.  
 14 **A. Right.**  
 15 Q. So the first practice was -- that everyone  
 16 was at was in mid-August?  
 17 **A. Yes.**  
 18 Q. Okay.  
 19 **A. I believe so.**  
 20 Q. So you remember him being there for a week  
 21 or two in August?  
 22 **A. That's correct.**  
 23 Q. And then out for three weeks to a month?  
 24 **A. Out of the pool for three weeks to a**

Page 45

1 **month.**  
 2 Q. Understood. But out of practice?  
 3 **A. Yeah. Yeah.**  
 4 Q. And then --  
 5 **A. The first two weeks of the concussion, he**  
 6 **was in bed. I don't think he came to the pool at**  
 7 **all during the first week or two of the**  
 8 **concussion.**  
 9 Q. How do you know he was in bed?  
 10 **A. Well, in his dorm because he was --**  
 11 Q. He was not at practice?  
 12 **A. -- badly concussed --**  
 13 Q. Okay.  
 14 **A. -- so...**  
 15 Q. And then, after the first week or two of  
 16 the concussion, you -- you remember him coming to  
 17 practice but sitting out?  
 18 **A. Yes.**  
 19 Q. And then after about -- so you -- you  
 20 remember him filming for and participating on the  
 21 sides for a week or two?  
 22 **A. I didn't say that. What -- what do you**  
 23 **mean?**  
 24 Q. I'm just trying to figure -- because you

12 (Pages 42 to 45)

Page 46

1 said he was out for three weeks to a month.  
 2 **A. He was out of the pool for about three**  
 3 **weeks to a month, something like that. I don't**  
 4 **remember the exact amount of days. But he would**  
 5 **film -- once he -- once he recovered from the bulk**  
 6 **of the symptoms and was able to be around loud**  
 7 **noises and the bright lights and stuff, that's when**  
 8 **he would -- he came back and was able to film and --**  
 9 **and help out more. That's when he was cleaning up**  
 10 **with me and things like that.**  
 11 Q. Yeah. And I'm just trying to get the  
 12 chronology.  
 13 **A. Oh.**  
 14 Q. So you remember him being out, like, in his  
 15 dorm room for, like, two weeks?  
 16 **A. About a week or two is -- is my**  
 17 **recollection.**  
 18 Q. Okay.  
 19 **A. A week or two.**  
 20 Q. A week or two?  
 21 **A. Right.**  
 22 Q. But not more than two?  
 23 MS. PAPENHAUSEN: Objection.  
 24 MR TOMBACK: Objection. It's seven years

Page 47

1 ago.  
 2 Q. Not more than two?  
 3 **A. It was -- it was a long time ago, but it**  
 4 **was -- it was about two weeks.**  
 5 Q. Okay. And then, after that two weeks, you  
 6 remember him being back on the sidelines for a week  
 7 or two before returning to practice?  
 8 **A. That's correct.**  
 9 Q. Okay. And so that would put us at the end  
 10 of September?  
 11 **A. If -- if he were only out for a month,**  
 12 **which it may have been longer, like, with his**  
 13 **concussion, because I don't know the date that he**  
 14 **was cleared to get back in the pool and start**  
 15 **training.**  
 16 Q. I'm just asking for your memory.  
 17 **A. Yeah. So it would be tough for me to tell**  
 18 **you what -- what part of the month it was.**  
 19 Q. Sometime in October?  
 20 **A. It could have been, but I don't know for**  
 21 **sure.**  
 22 Q. Okay. Would -- would it have been after  
 23 that or earlier than that?  
 24 MS. PAPENHAUSEN: Objection. Asked and

Page 48

1 answered.  
 2 **A. I don't know the exact dates of that.**  
 3 Q. Okay. And then you remember him training  
 4 again?  
 5 **A. Yes.**  
 6 Q. Okay. And how long do you remember him  
 7 training again with the team, for -- for how many  
 8 more weeks or months?  
 9 **A. Well, the rest of the season.**  
 10 Q. Okay.  
 11 **A. Yeah.**  
 12 Q. So was that, in your memory, two weeks,  
 13 three weeks, a month, two months?  
 14 MS. PAPENHAUSEN: Objection. Asked and  
 15 answered.  
 16 **A. Probably, somewhere between a month to two**  
 17 **months left of season --**  
 18 Q. Okay.  
 19 **A. -- I think.**  
 20 Q. And what do you remember him doing at  
 21 practice during that time?  
 22 **A. Well, he started off swimming in the dive**  
 23 **well -- diving well because that's -- you know, that**  
 24 **was the safest place to be after a concussion**

Page 49

1 **because there's no rogue balls that were going to**  
 2 **hit you in the head or, you know, someone swimming.**  
 3 **They're not going to hit you by accident. So he**  
 4 **would go to the diving well, and he would get his**  
 5 **swim set in, and then after that, he would kind of**  
 6 **move back into the --**  
 7 Q. Are you saying that based on a memory of  
 8 him doing that?  
 9 **A. Yes.**  
 10 Q. Okay.  
 11 **A. Yes.**  
 12 Q. All right. So you remember him in the  
 13 diving well?  
 14 **A. Yes.**  
 15 Q. Okay. And what else did he do?  
 16 **A. Then he started practicing again with us.**  
 17 **I mean, it -- you know, in the moment, like, seven**  
 18 **years ago, no one thinks of what's he doing now.**  
 19 **You know, he was there at practice. He was --**  
 20 Q. And do you remember him there every day?  
 21 **A. Most every day. There may have been a day**  
 22 **he missed, but yes.**  
 23 Q. Okay. Do you remember -- did you -- were  
 24 you familiar with his high school career?

13 (Pages 46 to 49)



Page 50

1 A. Once I had met him at -- at USC, then,  
2 yeah. I mean, we -- we talked about it, and -- and  
3 I knew about -- just not a whole lot. I mean, we  
4 were never very close.

5 To be up front about it, I -- I wasn't  
6 really close friends with him at all throughout high  
7 school. I mean, I -- but I did know a little bit  
8 about him after we had talked. I said, oh, yeah, I  
9 knew that coach and I knew this, so...

10 Q. Okay. And what do you -- what do you  
11 remember him telling you about his high school  
12 career?

13 MS. PAPENHAUSEN: Objection. Hearsay.

14 A. With his high school career, we just -- we  
15 talked briefly about it, you know, just kind of --  
16 we talked about Menlo and Stanford. I -- I remember  
17 us talking just basics. I mean, nothing notable,  
18 nothing that I would, you know, remember seven years  
19 ago specifically, like, something -- it's just, you  
20 know, I was able to talk to him because he was  
21 playing for Menlo and we knew a lot of the same guys  
22 and things like that.

23 Q. You never played him in high school?

24 A. No. I did.

Page 51

1 Q. You did?

2 A. Yeah, I did. Yeah. He -- he was -- I -- I  
3 remember -- now that you say that, actually, I  
4 remember him telling me that he remembered  
5 playing -- playing me. I didn't remember playing  
6 him, and I had hit him by accident while we were  
7 playing. I -- I don't know if it was --

8 Q. So are you responsible for the  
9 concussion?

10 A. No. No. No, no, no.

11 I think that, when -- when we started  
12 talking, he was laughing about it. He's, like,  
13 "Yeah. I don't know if it was you or your brother  
14 but someone hit me," and I -- I was, like, "Oh, wow.  
15 Okay. If it was me, I'm sorry."

16 Q. Was he captain of his high school team?

17 MS. PAPENHAUSEN: Objection. Lack of  
18 personal knowledge, lack of foundation.

19 Q. Was he captain of his high school team?

20 MS. PAPENHAUSEN: Calls for hearsay.

21 A. I don't know the specifics of that. I  
22 mean, captains -- see, captains with -- with water  
23 polo teams -- I don't think in high school anyone  
24 even cares who the other team's captain is. Like,

Page 52

1 the captain is an internal function. It's something  
2 that --

3 Q. Did he ever tell you that he was captain?

4 MS. PAPENHAUSEN: Objection. Hearsay, lack  
5 of personal knowledge, lack of foundation.

6 A. It would have never come up.

7 MR. FRANK: I object to your coaching the  
8 witness.

9 A. It would have never come up.

10 Q. Okay.

11 A. I wouldn't have -- like, for example, I was  
12 captain of my high school team. I didn't go around  
13 telling people I was the captain. Like, it doesn't  
14 come up in conversation.

15 Q. Okay. Did you know who the captains of his  
16 high school team were?

17 A. No.

18 Q. Okay. What do you recall about his  
19 abilities at practice?

20 A. He seemed -- he seemed good. I mean, I --  
21 nothing -- let's put it this way: If -- if I were  
22 to see someone that was -- that couldn't keep up or  
23 was bad or something like that, I would notice that,  
24 but nothing stood out; so he was fine, I mean, in

Page 53

1 my -- in my opinion.

2 Q. Was there -- was there anything he was  
3 particularly good at?

4 A. I can't say I recall anything that I would,  
5 you know, specifically point to.

6 Q. Okay. You don't remember him being --  
7 having an unusually hard throw or being unusually  
8 fast or being unusually slow or anything like  
9 that?

10 MS. PAPENHAUSEN: Objection. Asked and  
11 answered.

12 A. There's -- there's qualities from every  
13 player, but for me to remember them, you know,  
14 from --

15 Q. He didn't stand out?

16 A. Well, he -- he just blended in is the way  
17 I'd say it. I mean, all of us were working on our  
18 own things, and everyone's got their own things to  
19 focus on.

20 Q. Okay. Do you remember anyone else leaving  
21 the team in January?

22 A. There was a -- there was a couple of  
23 freshmen that -- that left, and I don't know if it  
24 was in January. I don't know if it was at the end

14 (Pages 50 to 53)

Page 54

1 of the -- the school year, the spring semester.  
 2 Q. Okay. Have you remained in touch with  
 3 Johnny since graduation?  
 4 A. I haven't talked to him since practice.  
 5 Q. Since practice. So since?  
 6 A. Seven years ago.  
 7 Q. Okay.  
 8 A. I've not talked to him. Like I said, I was  
 9 never close with him.  
 10 Q. And you haven't seen him?  
 11 A. I'm sure I saw him at -- at school, like,  
 12 in passing and, you know, hi, Johnny, whatever, but  
 13 you know...  
 14 Q. Do you know his parents?  
 15 A. I've never met them, no.  
 16 Q. Do you know his sisters?  
 17 A. No, I've never met them.  
 18 Q. Okay. Have you ever been to their house?  
 19 A. No.  
 20 Q. Have you -- since January of 2015, have you  
 21 socialized with Johnny at all?  
 22 A. I may have been around him at school and --  
 23 but I -- nothing that I recall, no.  
 24 Q. Okay. Have you been on the phone with

Page 55

1 him?  
 2 A. No.  
 3 Q. Since January of 2015?  
 4 MS. PAPENHAUSEN: Objection. Asked and  
 5 answered.  
 6 A. I don't think so, no.  
 7 Q. Have you texted with him?  
 8 A. No.  
 9 Q. Have you emailed with him?  
 10 A. No.  
 11 Q. Never once since January 2015?  
 12 A. Maybe. I mean, maybe, when -- maybe,  
 13 sometime in school. But, I mean, as of the last few  
 14 years, no, I haven't sent him a text or nothing.  
 15 Q. When is the last time you remember being in  
 16 touch with him?  
 17 MS. PAPENHAUSEN: Objection.  
 18 A. At practice.  
 19 MS. PAPENHAUSEN: Asked and answered.  
 20 Q. Okay. And are you under subpoena to be  
 21 here?  
 22 A. No.  
 23 Q. So you're here voluntarily?  
 24 A. Subpoena what? Sorry. What?

Page 56

1 Q. Are you here voluntarily or were you  
 2 required to be here by order?  
 3 A. No. I'm here voluntarily.  
 4 Q. Okay. Why?  
 5 A. Just to give you my recollection of events.  
 6 I mean, I -- no one is forcing me to be here. I'm  
 7 not, you know, particularly close with Johnny or  
 8 anything like that.  
 9 Q. Okay. What can you tell us about coaching  
 10 at practice? So was Coach Vavich normally running  
 11 the show every day?  
 12 A. Yeah.  
 13 Q. Okay.  
 14 A. Yes.  
 15 Q. Pretty rigorous?  
 16 A. Very.  
 17 Q. What do you remember about his coaching  
 18 style?  
 19 A. He yells a lot. He's a good coach. He  
 20 knows what's going on, and we're very organized. I  
 21 think he -- he's just -- he's a tough coach, and  
 22 he's just that. I mean, he's rigorous. He knows --  
 23 he knows how to get us in shape.  
 24 Q. What do you remember about the roles of the

Page 57

1 other coaches?  
 2 A. That year, my freshman year, was Jovan,  
 3 Pinta, Marko Pintarich, Casey Moon, and Stephan  
 4 Ludeki. The -- the roles they had were Jovan was  
 5 the number one guy. He did most of the -- of the  
 6 coaching and practice. Pinta was his assistant and  
 7 he did -- that's Marko Pinta, which I call him  
 8 Pinta. Pinta is -- was the assistant, and he did a  
 9 lot of -- like, you know, if we were scrimmaging, he  
 10 would coach the other side, but he was also a goalie  
 11 coach.  
 12 Casey and Stephan were supporting roles,  
 13 and they would help where needed and -- but -- but  
 14 they were not as, you know, involved as Yovan and  
 15 Pinta.  
 16 Q. But everyone was there every day?  
 17 A. Mostly, yeah.  
 18 Q. Okay. And what was your relationship like  
 19 with the coaches?  
 20 A. I liked them a lot. I think they are --  
 21 they are all great guys. I mean, they're -- they  
 22 all know what they're doing, and they the deserve  
 23 respect that they have from the water polo  
 24 community.

15 (Pages 54 to 57)



Page 58

1 Q. Okay. And so you respected them?

2 A. Yes.

3 Q. Tell me specifically about your  
4 relationship with Coach Vavich.

5 A. I don't have a -- a personal relationship  
6 with him. I mean, it's -- I wouldn't -- not a  
7 professional relationship, but like, from our sport,  
8 I have a coach and player relationship with him, and  
9 I -- you know, I respect him. I think he's a great  
10 coach, and I think he -- I think he was really -- I  
11 think he was tough on me because I was a captain and  
12 he was -- he was -- you know, there's -- there's not  
13 a whole lot to say about it, but I had just a good  
14 relationship with him because I trusted his coaching  
15 and I thought he was good at it.

16 Q. Okay. And he's close to your family?

17 A. He was -- he's not necessarily close with  
18 my family. I think he -- he became more involved  
19 after the -- the loss of my brother just because he  
20 was sort of, you know, around my parents and around  
21 me and kind of gave them comfort that, like, hey,  
22 your son is -- you know, he's here, he's going to  
23 school, but he's okay. You know, they were just  
24 friendly, you know...

Page 59

1 Q. Okay.

2 A. But he's friendly with -- with, I would  
3 say, all of the -- the parents.

4 Q. But he was -- my understanding is he was  
5 very supportive of you during that --

6 A. He was.

7 Q. -- time?

8 A. He was very supportive, yeah.

9 Q. Okay. And -- and of your parents as  
10 well?

11 A. Yes.

12 Q. And your parents, my understanding was,  
13 were quite involved that -- your first season  
14 especially?

15 A. Yeah, they were.

16 Q. They hosted dinners and things like that?

17 A. They would organize -- like, they helped to  
18 organize like the -- the meals in between games and  
19 things like that.

20 Q. Okay. And do you feel that he was  
21 particularly supportive of you during that time?

22 A. No. There's no favorites.

23 Q. I'm not suggesting that. I'm just asking  
24 if he was supportive of you.

Page 60

1 A. He was supportive of all of us, and I -- I

2 don't think there was any favoritism with any  
3 player, and you know, even with his own son, he was  
4 the hardest on him, and you'd think it would be the  
5 opposite but it was --

6 Q. Which son are you talking about?

7 A. Marko Vavich.

8 Q. Okay. And are you close to Marko?

9 A. Yeah. I'm good friends with Marko, yeah.

10 Q. Tell us about your relationship with Marko.

11 A. Really nice guy. I like him a lot.

12 Just -- I haven't talked to him since before he went  
13 to the Olympics, but you know, we've sort of grown  
14 apart since -- since I've graduated because he's,  
15 you know, still in school, but I was close with him.  
16 I was friends with him.

17 Q. Okay. And what about his brother?

18 A. Which one?

19 Q. Stephan.

20 A. The younger one?

21 Q. Yeah.

22 A. Stephan. I knew him just because he was  
23 around and stuff and -- but I was never close with  
24 Stephan. There's such an age gap so --

Page 61

1 Q. Okay. And what about his older brother?

2 A. Nicola. I was friends with Nicola because  
3 he was on my brother's team, and so I saw him around  
4 campus and stuff when I was around there, and --  
5 and, you know, I wasn't close with him or anything.

6 Q. So have you been to the Vaviches' house?

7 A. We do Thanksgiving dinner there.

8 Q. Other than that?

9 A. No.

10 Q. Do you remember Johnny at the Thanksgiving  
11 dinner?

12 A. I believe so. I -- I don't recall for  
13 sure.

14 Q. Okay. And when was the last time you were  
15 in touch with any member of the Vavich family?

16 A. I -- the last time I had a text message  
17 from -- from Jovan, and it was last week. He said,  
18 "Is it okay if my attorney reaches out to you or  
19 calls you," and I said, "Yes."

20 Q. Okay. Had you been in touch with him  
21 before that point about the case?

22 A. Oh, I've never -- I've never talked to  
23 Jovan about this case.

24 Q. Okay.

16 (Pages 58 to 61)

Page 62

1 **A. No.**  
2 Q. Had you been in touch with Jovan's  
3 attorneys about the case before last week?  
4 **A. No.**  
5 Q. Okay. So it just happened that last  
6 week --  
7 **A. Yeah.**  
8 Q. -- he reached out to you?  
9 **A. He just, yeah, asked if they could call.**  
10 Q. And did they call?  
11 **A. No.**  
12 Q. Okay. And -- but you said it would be okay  
13 for them to call?  
14 **A. Yes. I said it was fine.**  
15 Q. Okay.  
16 **A. But no one called. He didn't call me.**  
17 Q. What do you recall about your last  
18 interaction with Jovan before that one?  
19 **A. The last time I saw Jovan was at one of the**  
20 **other player's, Charlie McFee's, funeral, and so**  
21 **that was -- that may have been a year and a half,**  
22 **two -- to about two years ago, I believe.**  
23 Q. Okay. Have you emailed with him since  
24 then?

Page 63

1 **A. No.**  
2 Q. Have you texted with him?  
3 **A. There may have been, like, a Merry**  
4 **Christmas or something like that, but no --**  
5 Q. Okay.  
6 **A. -- I've had no -- no substantial**  
7 **conversations.**  
8 Q. Phone calls?  
9 **A. No.**  
10 Q. Did you reach out to him after he was  
11 arrested?  
12 **A. No.**  
13 Q. You never spoke to him?  
14 **A. I might have texted him, but I -- I don't**  
15 **recall.**  
16 Q. To express support?  
17 **A. It would have been to -- yeah, but I -- I**  
18 **don't know. I -- I don't recall. I don't recall**  
19 **texting him at all.**  
20 Q. Okay. Do you recall speaking to him about  
21 his arrest or his being fired?  
22 **A. I've never talked to him about his arrest.**  
23 Q. Okay. Do you feel that he was wrongfully  
24 charged?

Page 64

1 **A. I don't know.**  
2 MS. PAPENHAUSEN: Objection. Relevance.  
3 Q. You don't know?  
4 **A. I mean, how would I know? I mean, I don't**  
5 **even know what all the charges are.**  
6 Q. Okay. Are you upset about the charges  
7 against him?  
8 **A. I don't know what the charges are. I mean,**  
9 **I understand --**  
10 Q. You know that --  
11 **A. I understand the situation that he was**  
12 **arrested and a bunch of other things, but I mean --**  
13 Q. Well, you understand what he's charged  
14 with, right, I mean, the -- the subject matter?  
15 **A. Yeah. I understand the subject matter just**  
16 **broadly, but I haven't put much thought into it.**  
17 Q. Okay. You don't have any feelings about  
18 it?  
19 MS. PAPENHAUSEN: Objection. Relevance,  
20 asked and answered.  
21 **A. I mean, what's -- what would you like to**  
22 **know? I mean...**  
23 Q. I just want to know how you feel about it.  
24 MS. PAPENHAUSEN: Objection. Same

Page 65

1 objections.  
2 **A. I -- I -- I don't know. I mean, what --**  
3 **about the whole case, I mean, what's going on with**  
4 **him? I -- I -- I don't know. I mean, I -- I don't**  
5 **have an opinion on it. I haven't thought about it.**  
6 Q. Really, you haven't thought about it?  
7 MS. PAPENHAUSEN: Objection. Asked and  
8 answered three or four times.  
9 **A. I mean, there's not much to think about.**  
10 **I -- I -- I don't know what the charges are.**  
11 Q. Okay.  
12 **A. I'm busy with other things. I -- I get**  
13 **that there's some problems going on, but --**  
14 Q. You understand that he's charged --  
15 **A. -- I'm not invested in it.**  
16 Q. You understand that he's charged with  
17 taking bribes to put players on the team?  
18 MS. PAPENHAUSEN: Objection. Relevance.  
19 **A. I -- I understand the charge. I don't know**  
20 **the -- with who, I don't know who -- you know, I**  
21 **don't know all these things. I don't know the**  
22 **details.**  
23 Q. But you worked with Jovan six days a week  
24 for four years, right?

17 (Pages 62 to 65)

Page 66

1 **A. Yes.**  
 2 Q. So you have no feelings about the charges  
 3 against him?  
 4 MS. PAPENHAUSEN: Objection.  
 5 **A. Well, I'll form an opinion once --**  
 6 MS. PAPENHAUSEN: Asked and answered.  
 7 **A. -- I know which -- you know, if he's guilty**  
 8 **or not guilty. I mean...**  
 9 Q. But do you have an opinion?  
 10 MS. PAPENHAUSEN: Objection.  
 11 **A. No.**  
 12 MS. PAPENHAUSEN: Harassing the witness at  
 13 this point.  
 14 Q. And do you have an opinion about the  
 15 charges in general?  
 16 MR TOMBACK: He's asked and answered that.  
 17 MS. PAPENHAUSEN: Objection.  
 18 MR. TOMBACK: If you want to ask him  
 19 view as to --  
 20 MS. PAPENHAUSEN: Ambiguous.  
 21 MR. TOMBACK: If you want to ask him his  
 22 view of --  
 23 MR. HOOPES: If you keep going --  
 24 MR. TOMBACK: If you want to ask him his

Page 67

1 view of --  
 2 MR. FRANK: Are you going to instruct him  
 3 not to answer?  
 4 MR. HOOPES: Are you going to do one more?  
 5 MR FRANK: Are you going to instruct him  
 6 not to answer?  
 7 MR. HOOPES: Are you going to do one more?  
 8 MR. FRANK: Are you going to instruct him  
 9 not to answer?  
 10 MR. HOOPES: I am instructing him not to  
 11 answer. If you're asking him the same question, I  
 12 am.  
 13 BY MR. FRANK:  
 14 Q. Do you have any feelings about this case?  
 15 MS. PAPENHAUSEN: Objection.  
 16 MR. TOMBACK: Which case?  
 17 MS. PAPENHAUSEN: All the same objections.  
 18 MR. HOOPES: I instruct you not to answer.  
 19 He's already asked and answered it five  
 20 times for the record.  
 21 MR TOMBACK: For the record, you're welcome  
 22 to ask him about what he thinks of Yovan's  
 23 integrity. You keep asking him about charges he's  
 24 not familiar with.

Page 68

1 MR. FRANK: You can ask him that tomorrow.  
 2 MR TOMBACK: We will.  
 3 BY MR. FRANK:  
 4 Q. Okay. When did you first hear from  
 5 Johnny's attorneys?  
 6 **A. Andy called me last week, and that was**  
 7 **Wednesday or Thursday or something like that or**  
 8 **Tuesday or Wednesday or something like that.**  
 9 Q. And you'd never spoken with him before?  
 10 **A. Never.**  
 11 Q. Okay. What did he ask you?  
 12 **A. Just some, you know, basic questions. He**  
 13 **just asked me, you know, quick recollection.**  
 14 Q. Recollection of what?  
 15 **A. Of Johnny's involvement with the team, and**  
 16 **I just told him basically what you and I have talked**  
 17 **about and he -- he just asked if I was willing to**  
 18 **testify, and I say, "Yeah. Sure. I don't see why**  
 19 **not."**  
 20 Q. How long did you speak with him?  
 21 **A. The phone call couldn't have been more than**  
 22 **eight or nine minutes.**  
 23 Q. Okay.  
 24 **A. Yeah.**

Page 69

1 Q. And what else did he ask you besides what  
 2 you recollected of Johnny on the team?  
 3 **A. Aside from if I would testify, that's it.**  
 4 Q. So he just asked you one question about  
 5 Johnny's participation on the team?  
 6 **A. No. I said we -- we talked about, like,**  
 7 **what you and I have been talking about with the**  
 8 **recollection of Johnny Wilson's involvement.**  
 9 Q. Okay. Have you talked to McQuin Baron  
 10 about his testimony?  
 11 **A. Yes. McQuin Baron was -- was going to**  
 12 **testify here. I don't know why he's not. He's --**  
 13 **he's not testifying here so...**  
 14 Q. Did you discuss his testimony with him?  
 15 MS. PAPENHAUSEN: Objection. Ambiguous.  
 16 **A. Did I -- in -- we -- we talked about the**  
 17 **whole situation because it was, you know, kind of**  
 18 **strange. You get asked to -- to testify in a**  
 19 **federal court, it's -- you know, obviously, that's a**  
 20 **conversation but not -- not a whole lot about it.**  
 21 Q. Did he tell you what he was going to  
 22 testify to?  
 23 MS. PAPENHAUSEN: Objection.  
 24 **A. It doesn't matter what I say he -- I mean,**

18 (Pages 66 to 69)

Page 70

1 I can tell you --

2 Q. I'm just asking a question.

3 MS. PAPENHAUSEN: Objection.

4 Q. Did he -- did he tell you what he was going  
5 to testify to?

6 MS. PAPENHAUSEN: Hearsay, relevance.

7 A. Yes.

8 Q. What did he tell you he was going to  
9 testify?

10 MS. PAPENHAUSEN: Objection. Hearsay,  
11 relevance.

12 A. He -- he told me that -- that he was -- I  
13 mean, every guy that I've talked to on the -- on the  
14 team -- like, I can't imagine somebody saying Johnny  
15 was -- was, you know, not on the team; so he was  
16 going to testify and say, yeah, he was -- he was on  
17 the team.

18 Q. And he told you that?

19 MS. PAPENHAUSEN: Objection. Hearsay,  
20 relevance.

21 Q. He told you that he was going to testify  
22 that Johnny was on the team?

23 A. Not specifically like that because the --  
24 just the way that you've phrased the question is --

Page 71

1 Q. So tell me what he said.

2 MS. PAPENHAUSEN: Objection. Hearsay,  
3 relevance.

4 A. When we spoke about it, he said, "You know,  
5 they're asking if Johnny was on the team." I said,  
6 "I know," and he said, "Well, he was, obviously,"  
7 and we talked about that just briefly, but that's  
8 it.

9 Q. How did you know at that point?

10 MS. PAPENHAUSEN: Objection.

11 A. How did I know what at that point?

12 Q. You said you -- you said, "I know," when he  
13 told you that they were asking about whether Johnny  
14 was on the team. So how did you know?

15 A. Because we got -- we got calls at, like,  
16 the same time. It was -- it was -- it was random  
17 because he was actually coming over to my house for  
18 dinner, and Andy called me about an hour before.  
19 And he had just got off the phone or email or  
20 whatever it was with McQuin, and then McQuin was  
21 headed over to my house when I got that -- when I  
22 got that call.

23 Q. Okay. So you recall McQuin getting a call  
24 from Andy on the same day as you? That's what he

Page 72

1 told you?

2 A. I don't recall if was a call or email, but  
3 he -- he had heard from -- from someone.

4 Q. And that was just last week?

5 A. This was, yeah, like, Tuesday or something  
6 of last week.

7 Q. Okay.

8 A. Wednesday.

9 Q. Okay. Do you recall whether Mr. Wilson's  
10 attorneys contacted you before Casey Moon  
11 testified?

12 MS. PAPENHAUSEN: Objection.

13 A. When did Casey Moon testify?

14 Q. You tell me whether you know when Casey  
15 Moon testified.

16 A. I don't know.

17 Q. Okay.

18 A. Like -- like, we had mentioned before, I  
19 did read an article. I read, like, half an article  
20 that just said he had testified, but I don't know  
21 the dates of when he did or anything; so I can't say  
22 for sure.

23 Q. What do you recall reading about his  
24 testimony?

Page 73

1 MS. PAPENHAUSEN: Objection. Relevance,  
2 hearsay.

3 MR. FRANK: Relevance?

4 A. The -- the -- the one thing I saw in there  
5 was that he said in one part that he -- he never saw  
6 Johnny and another part that he said he did see  
7 them, and I was, like, that's really weird.

8 MR. KENDALL: I think we have a 60 minute  
9 deposition. Can the court reporter tell us where we  
10 are.

11 THE REPORTER: 57 minutes.

12 MR. TOMBACK: You're about two minutes  
13 short.

14 BY MR. FRANK:

15 Q. What do you recall about -- so you recall  
16 reading about his testimony?

17 A. About half of one article. I didn't want  
18 to sign up for the -- the -- whatever it cost.

19 Q. But you recall reading that he testified  
20 that Johnny didn't show up for practice?

21 A. Uh-huh.

22 Q. Okay. And what else do you recall reading  
23 about?

24 MS. PAPENHAUSEN: Objection. Hearsay.

19 (Pages 70 to 73)

|   |  |
|---|--|
| <p style="text-align: right;">Page 74</p> <p>1 <b>A. I don't recall anything else.</b></p> <p>2 Q. Did you read anything else about the</p> <p>3 case?</p> <p>4 <b>A. No.</b></p> <p>5 Q. You haven't followed the case at all?</p> <p>6 <b>A. I have not followed this case, no.</b></p> <p>7 Q. You haven't read any news reports -- other</p> <p>8 news reports about the case?</p> <p>9 <b>A. That's -- that's the extent of it. I mean,</b></p> <p>10 <b>if I had seen something out there, I mean, I wasn't</b></p> <p>11 <b>looking for it. I don't remember seeing anything.</b></p> <p>12 <b>Nothing stands out in my mind.</b></p> <p>13 Q. Okay. Have you talked to anybody else</p> <p>14 about the case?</p> <p>15 <b>A. Briefly, Tim Leong because I wanted to see</b></p> <p>16 <b>if he was coming to Boston because there's --</b></p> <p>17 <b>because I wanted to just set up a time where we'd go</b></p> <p>18 <b>hang out, go to dinner or whatever, but --</b></p> <p>19 Q. Okay.</p> <p>20 <b>A. -- that's all.</b></p> <p>21 Q. Who paid for your trip?</p> <p>22 <b>A. I paid for it.</b></p> <p>23 Q. Okay. Who's -- who's paying for your</p> <p>24 lawyer?</p> | <p style="text-align: right;">Page 76</p> <p>1 <b>this guy is this and that. I mean, we trained</b></p> <p>2 <b>together.</b></p> <p>3 Q. Have you ever seen Johnny's athletic</p> <p>4 profile?</p> <p>5 MS. PAPENHAUSEN: Objection. Ambiguous.</p> <p>6 <b>A. His athletic -- where?</b></p> <p>7 Q. Have you ever seen an athletic profile for</p> <p>8 Johnny?</p> <p>9 <b>A. Like, on-line?</b></p> <p>10 Q. Like a profile.</p> <p>11 <b>A. Well, I don't know what you mean by profile</b></p> <p>12 <b>is all.</b></p> <p>13 Q. Okay. Have you seen an athletic resume for</p> <p>14 him?</p> <p>15 MS. PAPENHAUSEN: Objection. Ambiguous.</p> <p>16 <b>A. No, I've not seen his resume. I haven't</b></p> <p>17 <b>seen anyone's resume in water polo.</b></p> <p>18 Q. How long have you spent with Mr. Wilson's</p> <p>19 lawyers since getting here?</p> <p>20 <b>A. Like, 20 -- 20 minutes, 30 minutes.</b></p> <p>21 Q. Okay. And that's it? Do you have other</p> <p>22 meetings scheduled with him?</p> <p>23 <b>A. As of now, nothing scheduled.</b></p> <p>24 MR. FRANK: Anything else? Anything else?</p> |
| <p style="text-align: right;">Page 75</p> <p>1 THE WITNESS: Who is paying for my --</p> <p>2 MR. TOMBACK: Mr. Wilson.</p> <p>3 <b>A. Mr. Wilson is, yeah.</b></p> <p>4 Q. Okay. And you're not being reimbursed for</p> <p>5 your expenses?</p> <p>6 <b>A. I don't know. I'm going to send them</b></p> <p>7 <b>the -- the receipt and if I am, great, and if not,</b></p> <p>8 <b>you know, it's...</b></p> <p>9 Q. Okay.</p> <p>10 <b>A. Yeah.</b></p> <p>11 Q. Do you know Johnny's swim times?</p> <p>12 MS. PAPENHAUSEN: Objection. Lack of</p> <p>13 foundation.</p> <p>14 <b>A. Do I know his swim times? Like, that's --</b></p> <p>15 <b>that's a very ambiguous question.</b></p> <p>16 Q. Do you know what his swim times are for the</p> <p>17 50 yard free style or the 100 yard free style?</p> <p>18 MS. PAPENHAUSEN: Objection. Ambiguous,</p> <p>19 lacks personal knowledge.</p> <p>20 <b>A. We don't --</b></p> <p>21 MR. FRANK: (Inaudible) objection.</p> <p>22 <b>A. We don't -- we're not a swim team. We're a</b></p> <p>23 <b>water polo team; so we don't -- you know, it's not</b></p> <p>24 <b>like I could point to everyone on the team and say</b></p>       | <p style="text-align: right;">Page 77</p> <p>1 MR. HOOPES: Okay. We're done.</p> <p>2 MR. FRANK: Thank you so much for coming</p> <p>3 in.</p> <p>4 THE WITNESS: Thank you.</p> <p>5 (Whereupon the deposition</p> <p>6 concluded at 11:07 a.m.)</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>  |

Page 78

1 ERRATA SHEET DISTRIBUTION INFORMATION  
2 DEPONENT'S ERRATA & SIGNATURE INSTRUCTIONS

3  
4 ERRATA SHEET DISTRIBUTION INFORMATION

5 The original of the Errata Sheet has been  
6 delivered to Thomas M. Hoopes, Esquire.

7 When the Errata Sheet has been completed  
8 by the deponent and signed, a copy thereof should be  
9 delivered to each party of record and the ORIGINAL  
10 forwarded to Stephen E. Frank, Esquire, to whom the  
11 original deposition transcript was delivered.

12  
13 INSTRUCTIONS TO DEPONENT

14 After reading this volume of your deposition,  
15 please indicate any corrections or changes to your  
16 testimony and the reasons therefor on the Errata  
17 Sheet supplied to you and sign it. DO NOT make  
18 marks or notations on the transcript volume itself.  
19 Add additional sheets if necessary. Please refer to  
20 the above instructions for errata sheet distribution  
21 information.  
22  
23  
24

Page 80

1 COMMONWEALTH OF MASSACHUSETTS )  
2 SUFFOLK, SS. )

3 I, Valerie Rae Johnston, Shorthand Reporter and  
4 Notary Public in and for the Commonwealth of  
5 Massachusetts, do hereby certify that there came  
6 before me on the 3rd day of October 2021, at 10:07  
7 a.m., the person hereinbefore named, who was by me  
8 duly sworn to testify to the truth and nothing but  
9 the truth of his knowledge touching and concerning  
10 the matters in controversy in the cause; that he was  
11 thereupon examined upon his oath, and his  
12 examination reduced to typewriting under my  
13 direction; and that the deposition is a true record  
14 of the testimony given by the witness.

15 I further certify that I am neither attorney or  
16 counsel for, nor related to or employed by, any  
17 attorney or counsel employed by the parties hereto  
18 or financially interested in the action.

19 In witness whereof, I have hereunto set my hand  
20 and affixed my notarial seal this 3rd day of  
21 October 2021.  
22  
23  
24

Page 79

1 PLEASE ATTACH TO THE DEPOSITION OF JAMES PHILIP  
2 WALTERS

3 CASE: United States v. Gamal Abdelaziz and John  
4 Wilson

5 DATE TAKEN: Sunday, October 3, 2021

6 ERRATA SHEET

7 Please refer to Page 75 for errata sheet  
8 instructions and distribution instructions.

9 PAGE LINE CHANGE REASON

10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_

15 I have read the foregoing transcript  
16 of my deposition and except for any corrections or  
17 changes noted above, I hereby subscribe to the  
18 transcript as an accurate record of the statements  
19 made by me.

20 Executed this \_\_\_\_ day of  
21 \_\_\_\_\_, 2021.

22 \_\_\_\_\_  
23 \_\_\_\_\_  
24 JAMES PHILIP WALTERS

21 (Pages 78 to 80)